

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL DAVIS,)
Plaintiff)
v.) Civil Action No. 04-11851-WGY
SUFFOLK COUNTY, SUFFOLK)
COUNTY SHERIFF'S)
DEPARTMENT AND ANDREA)
CABRAL (in her official capacity),)
Defendants)

)

**PARTIES' JOINT MOTION FOR CLARIFICATION OF COURT'S JANUARY 13, 2005
RULING ON DEFENDANTS' MOTION TO DISMISS**

Now come the parties to this action who respectfully request that this Honorable Court clarify the ruling contained in the electronic notice sent to the parties on January 18, 2005.

The Plaintiff's Complaint consists of the following counts: Count I (M.G.L. c. 149 § 185); Count II (42 U.S.C. § 1983); Count III (termination in violation of public policy); and Count IV (M.G.L. c. 12 §§ 11H and 11I).

The parties appeared before the Court on January 13, 2005 to argue Defendants' Motion to Dismiss. The parties recall that the Court took the following action on the Motion: Count IV was dismissed; Counts I and III were merged together; and all counts against "the Suffolk County Sheriff's Department" were dismissed. The Motion was otherwise denied.

The parties believe that the electronic notice mistakenly reflects Counts I and II being collapsed, and fails to specify that Count IV has been dismissed along with all counts against the Suffolk County Sheriff's Department".

WHEREFORE, the parties jointly move this Court to clarify the ruling contained in the January 18, 2005 electronic notice, such that Counts I and III are merged into one count, Count IV is dismissed, and all counts against the “Suffolk County Sheriff’s Department” are dismissed.

DEFENDANTS By their attorney, /s James M. Davin James M. Davin (BBO# 566973) Deputy General Counsel Suffolk County Sheriff's Dept. 200 Nashua Street Boston, MA 02114 (617) 989-6679	PAUL DAVIS By his attorneys, /s Christie M. Charles George F. Gormley (BBO# 204140) Christie M. Charles (BBO# 646995) <i>George F. Gormley, P.C.</i> 655 Summer Street Boston, MA 02210 (617) 478-2750
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